

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OWEN HARTY, Individually  
Plaintiff,

v.

GRAND-SASSO INC., A  
Pennsylvania Business  
Corporation,  
Defendant.

CIVIL ACTION

NO. 18-5474

**FILED**

OCT 30 2019

KATE BARKMAN, Clerk  
By [Signature] Dep. Clerk

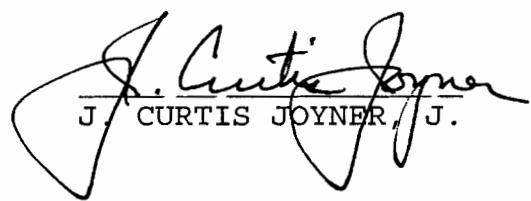
O R D E R

AND NOW, this 30<sup>th</sup> day of October, 2019, upon  
consideration of Defendant's First Motion to Dismiss Plaintiff's  
Complaint for Lack of Standing Pursuant to Fed. R. Civ. P.  
12(b)(1) (Doc. No. 5), and following the taking of limited  
discovery into the veracity of Plaintiff's factual allegations  
regarding his claim that this Court has proper subject matter  
jurisdiction and the filing by the parties of supplemental  
briefing, it is hereby ORDERED that the Motion is DENIED<sup>1</sup> and

<sup>1</sup> In so holding, we find that sufficient evidence now exists in the record to warrant a finding that Plaintiff has the requisite standing to pursue this matter and to thereby confer subject matter jurisdiction upon this Court. Specifically, it appears that Plaintiff has patronized the Defendant's shopping center in the past - in October, 2018 and June, 2019 and that he has visited his niece who resides in Clifton Heights, Delaware County, Pennsylvania (which is less than five miles from the subject shopping center) some 1-2 times per year since 2010. Given that Plaintiff's affidavit avers that he intends to visit the Grand Plaza when he next returns in the late Spring or early Summer of next year, we conclude that Plaintiff does indeed face a potential threat of suffering a similar injury from the non-ADA-compliant conditions presently existing at Defendant's shopping center. Accordingly, Defendant's motion to dismiss Plaintiff's complaint for lack of standing is denied.

Defendant is DIRECTED to file an Answer to the Plaintiff's Complaint within twenty (20) days of the entry date of this Order.

BY THE COURT:



J. CURTIS JOYNER, J.

